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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,814	03/30/2001	Miklos Csore	4175	6646

7590

12/15/2004

THE REILLY INTELLECTUAL PROPERTY LAW FIRM, P.C.  
1554 Emerson Street  
Denver, CO 80218

EXAMINER

MAHATAN, CHANNING

ART UNIT

PAPER NUMBER

1631

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/823,814

**Applicant(s)**

CSORE ET AL.

**Examiner**

Channing S Mahatan

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-26 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### *FINALITY WITHDRAWN*

Applicants request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *CLAIMS UNDER EXAMINATION*

Claims herein under examination are claims 1-8, 10-26, and 28-31. Claims 9, and 27 have been cancelled.

### *CONSIDERATION OF AFFIDAVIT*

The affidavit under 37 C.F.R. § 1.132 filed 24 February 2004 is sufficient to overcome the rejection of claims 1-8, 10-26, and 28-30 based upon SafeTrace Tx v.1.2.0.0 User's Guide (Wyndgate Technologies. November 1999, pages 1-99) under 35 U.S.C. § 102(a).

### *REQUIREMENT FOR INFORMATION*

The specification states:

“Reference is also made to SafeTrace Tx Table Administration Manual, Release v1.2.0.0 published November, 1999, SafeTrace Tx User's Guide, published November, 1999, and SafeTrace Tx Reference Manual, also published November, 1999, all published by Wyndgate Technologies of El Dorado Hills, California, said publications incorporated by reference herein.”

Therefore, Applicants and the assignee of this application are required under 37 C.F.R. § 1.105 to provide the following information that the Examiner has determined is reasonably necessary to the examination of this application.

1) All prior versions of the Safetrace Tx Table Administration Manual v1.2.0.0, SafeTrace Tx User's Guide, and SafeTrace Tx Reference Manual is required (i.e. 1.0.0.0).

The information is required to extend the domain of search for prior art. Limited amounts of art related to the claimed subject matter are available within the Office, and are

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generally found in class 702 and subclasses 19, which describe the claimed invention. A broader range of art to search is necessary to establish the level of knowledge of those of ordinary skill in the claimed subject matter art for a method and system of managing and tracking blood products...”.

The information is required to identify products and services embodying the disclosed subject matter of for a method and system of managing and tracking blood products...” and identify the properties of similar products and services found in the prior art.

In response to this requirement, please provide the title, citation and copy of each publication that any of the applicants relied upon to develop the disclosed subject matter that describes the applicant’s invention, particularly as to developing a method and system of managing and tracking blood products...”. For each publication, please provide a concise explanation of the reliance placed on that publication in the development of the disclosed subject matter.

This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

**Claims Rejected Under 35 U.S.C. § 112 2<sup>nd</sup> Paragraph**

Claims 1-8 and 10-19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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*VAGUE AND INDEFINITE*

Claims 1, 10-12, and all claims dependent therefrom remains confusing. For example, claim 1 recites the following steps:

“determining the antigens and antibodies present in said segment and said patient specimen;  
remote serological cross-matching each said patient specimen and said segment of said blood product at said central blood testing facility to determine their compatibility with one another,  
determine the compatibility of said segment and patient specimen selected by comparing the antigens and antibodies to determine whether each is present in said segment and said patient specimen tested”

Applicants submit that these are three separate steps, specifically, stating “that the step of identifying which antigens and antibodies are present or absent (claims 1 and 11) is done prior to the remote serological cross-matching step in which the segment and patient specimen are mixed together which must be done in order to determine their compatibility with one another (claims 1 and 10” and that the “actual determination of compatibility is the next step done after the information is stored in the database” (claims 1 and 12). It is acknowledged that the determination of antigens and antibodies present or absent is a separate and distinct step from the compatibility determination in the subsequent steps. However, it is the “determination of compatibility” steps that fail to distinguish between one another and therefore appear redundant. For example, “remote serological cross-matching...” would be the same as the compatibility testing in the next step, wherein the compatibility of the patient specimen and segment would be determined by comparing the antigens and antibodies. Thus, it does not appear that such language further limits the claims. Further, it should be noted the instant claims do not represent determination of compatibility after the information has been stored in the database as argued by Applicants. Clarification of the metes and bounds, via clearer claim language, is requested.

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*EXAMINER COMMENT*

Applicants are reminded of the acceptable claim status indicators, wherein the M.P.E.P. section 714 [R-2] "Amendments, Applicant's Action" states:

In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

Applicants have currently utilized "previously amended" and "previously canceled", which is not one of the above appropriate status indicators. Applicants' are requested to correct such defect.

Should Applicants' utilize anything other than the above acceptable status identifiers the amendment may be considered non-responsive.

*EXAMINER INFORMATION*

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 C.F.R. § 1.6(d)). The CM1 Fax Center number is either (703) 872-9306.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Channing S. Mahatan whose telephone number is (571) 272-0717. The Examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Woodward, Ph.D., can be reached on (571) 272-0722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify Applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also

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enables Applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Examiner Initials: *CSM*

Date: *December 10, 2004*

*mpw*  
MICHAEL P. WOODWARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

DEC 11 2004